IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.62614-M of 2006
Date of Decision:- 23.04.2007

Barjinder Singh ....Petitioner(s)

through
Mr.Bikramjit Singh Randhawa, Advocate

vs.

State of Punjab etc. ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

***

SURYA KANT, J.

A road-rage accident which led to registration of F.I.R.No.232 dated 30.8.2000 under Section 279/337 IPC in Police Station, Sadar Gurdaspur, has further led to initiation of these proceedings under Section 482 Cr.P.C. filed by the petitioner who is facing trial in the aforesaid case. The petitioner has come up with the prayer to quash the above-mentioned F.I.R. and all the consequential proceedings arising therefrom in view of the compromise dated 22.10.2005 (Annexure P-3) arrived at between the parties.

From the office note, it appears that respondent No.2-the complainant was duly served, however, he has not put in appearance. The non-appearance of the complainant further strengthens the plea taken by the petitioner that with the intervention of the respectables, the matter has been amicably resolved.

True it is that compromise between the accused and the complainant would not absolve the State from its obligation to prosecute an offender which is essentially a part of its duty towards the administration of criminal justice system. However, when the matter pertains to an offence in which no *mens rea* is involved and is an outcome of sheer negligence only, there appears to be no compulsion for the Prosecuting Agency to continue with the proceedings, especially when the social order, in the interest of peace and harmony, demands that irrespective of the stage of such proceedings, the same should be brought to an end.

Consequently, this petition is allowed; the impugned F.I.R. No.232 dated 30.8.2000 under Section 279/337 IPC registered at Police Station, Sadar Gurdaspur and all the consequential proceedings arising therefrom are hereby quashed.

April 23, 2007 **(SURYA KANT)**
poonam **JUDGE**